

REMARKS:

The preceding claim amendments and the following remarks are submitted as a full and complete response to the Office Action issued on January 7, 2010. Claims 7-9 have been amended to address issues raised in the claim objections and the indefiniteness rejection. In addition, claim 7 has been amended to recite "to determine a test substance is the antihypertensive drug" to make it clear the claimed method is directed to screen an antihypertensive drug as recited in the preamble. No new matter has been added. Claims 17-20 have been added. Support for the new claims can be found in the claims and throughout the specification, for example, claim 4 and pages 4-5. Claims 1-6 and 10-16 were previously withdrawn. Accordingly, claims 1-20 are pending. Reconsideration of all outstanding rejections is respectfully requested in view of the foregoing amendment and following remarks.

Drawing Objection

The Patent Office has objected to the figure legends of Figures 1, 3, and 6 as not descriptive. To address this objection, Applicants hereby submit replacement sheets of Figures 1, 3 and 6 that contain more descriptive legends. Reconsideration and withdrawal of this objection are respectfully requested.

Specification Objection

The Patent Office has objected to the use of the trademark Elutip-D and Averin. To address these objections, Applicants have amended the specification to capitalize these terms and attach a trademark symbol to them. Also the specification has been

amended to include generic terminology to the extent possible, to describe the trademarked material. Reconsideration and withdrawal of this objection are respectfully requested.

Title Objection

The Patent Office has objected to the title of the invention as not descriptive. Applicants revise the title to read “A Method for Screening Anti-Hypertension Drug Using a Composition Comprising Mammal Translationally Controlled Tumor Protein.” In view of the new title, reconsideration and withdrawal of the objection are respectfully requested.

Claim Objection

The Patent Office has objected to claim 7 as referring to an unelected invention. Applicants have amended to claim 7 to recite the subject matter of claim 3, which was elected invention. Reconsideration and withdrawal of the claim objection are respectfully requested.

Rejection of Claim 9 under 35 U.S.C. §112, Second Paragraph

The Patent Office has rejected claim 9 because the acronym “TCTP” renders the claims vague and indefinite. Without acquiescing to the propriety in the Patent Office’s position in this rejection, Applicants have obviated this rejection by revising claim 9 to spell out TCTP as Translationally Controlled Tumor Protein. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection of Claims 7-9 under 35 U.S.C. § 102(e)

The Patent Office has rejected claims 7-9 under 35 U.S.C. §102(e) as anticipated by Bartel (U.S. Publication No. 2002/0177692). Acknowledging the claims 7-9 are directed to a method for screening an antihypertensive drug, the Patent Office asserts that Bartel discloses that compounds identified in Bartel can be used in the treatment of hypertension. Applicants respectfully traverse this rejection.

Claim 7 is directed to a method for screening an antihypertensive drug using a composition containing a mammalian Translationally Controlled Tumor Protein ("TCTP") as a target substance. The claimed method is based on the discovery that TCTP affects a generation of the hypertension via a Na/K-ATP pump and thus an antihypertensive drug may be screened using TCTP. More particularly, in the claimed method, whether a test substance is used as an antihypertensive drug is determined by a reaction between a composition containing TCTP and a test substance.

The Patent Office alleges that Bartel discloses in the paragraph 293 the compound identified in Bartel can be used in the treatment of a hypertension. However, a close reading of Bartel says otherwise. The relevant disclosure of Bartel reads as follows:

The active compounds can also be administered in combination with another active agent that synergistically treats or prevents the same symptoms or is effective for another disease or symptom in the patient treated so long as the other active agent does not interfere with or adversely

affect the effects of the active compound of this invention.

Such other active agents include but are not limited to anti-inflammation agents...cardiovascular drugs, hypertension drugs, and the like (emphasis added)

Paragraph 293, Bartel.

As clearly shown in the above, contrary to the Patent Office's assertion, what Bartel discloses in paragraph 293 is not that the identified active compound can be used as an antihypertensive drug, but that the ***active compound identified in accordance with Bartel can be administered in combination with a hypertensive drug.***

Nowhere does Bartel teach or suggest that the active compound identified using BCL-XL and TCTP complex can be used to treat a hypertension.

Instead, Bartel teaches that ***BCL-XL and TCTP may play a role in apoptosis.*** Paragraph [0015]. Although Bartel discloses in paragraph [0020] a laundry list of diseases that the compound identified using BCL-XL and TCTP may be used for preventing and treating. However, the list does not include hypertension. Thus, Bartel clearly fails to recognize that the compound identified using BCL-XL and TCTP may be used to treat hypertension. Therefore, Bartel fails to teach or suggest each and every element of claim 7.

In addition, Claims 8, 19 and 20 further recite that ***the antihypertensive drugs inhibit the function of TCTP.*** That is, in the claimed method, the test compound may be used as an antihypertensive drug if the test compound that is contacted with the composition including TCTP inhibits the function of TCTP. That is, in the claimed method, the test substance that inhibits the function of TCTP may serve as an

antihypertensive drug. However, as explained above, Bartel fails to recognize the relation between TCTP and hypertension.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the anticipation rejection.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

Date: May 7, 2010

By: /Carolyn L. Greene/
Carolyn L. Greene
Attorney for Applicants
Registration No. 57,784
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K Street, N.W., Suite 800
Washington, D.C. 20005
Telephone: (202)783-6040

JMK/CLG/jpf
1730676_1